

1 AN ACT in relation to accounting.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.14 and adding Section 4.24 as follows:

6 (5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)
7 Sec. 4.14. Acts repealed.

8 (a) The following Acts are repealed December 31, 2003:

9 The Private Detective, Private Alarm, and Private
10 Security Act of 1993.

11 The Illinois Occupational Therapy Practice Act.

12 (b) The following Acts are repealed January 1, 2004:

13 The Illinois Certified Shorthand Reporters Act of
14 1984.

15 ~~The Illinois Public Accounting Act.~~

16 The Veterinary Medicine and Surgery Practice Act of
17 1994.

18 (Source: P.A. 87-261; 87-481; 87-576; 87-895; 88-36; 88-363;
19 88-424; 88-670, eff. 12-2-94.)

20 (5 ILCS 80/4.24 new)

21 Sec. 4.24. Act repealed on January 1, 2014. The
22 following Act is repealed on January 1, 2014:

23 The Illinois Public Accounting Act.

24 Section 10. The Illinois Public Accounting Act is
25 amended by changing Sections 0.03, 1, 2, 3, 6, 7, 8, 9.01,
26 9.2, 11, 13, 14, 14.1, 14.2, 14.3, 16, 17, 17.1, 17.2, 19,
27 20.01, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 21, 26, 27, 28,
28 30, 30.1, and 32 and adding Section 9.02 as follows:

1 (225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)
 2 Sec. 0.03. Definitions. As used in this Act, unless the
 3 context otherwise requires:

4 (a) "Certified Public Accountant" means any person who
 5 has been issued a certificate as a certified public
 6 accountant from the Board of Examiners University--of
 7 Illinois.

8 (b) "Licensed Certified Public Accountant" means any
 9 person licensed under this Act.

10 (c) (Blank). "Department"---means--the--Department--of
 11 Professional-Regulation-

12 (d) (Blank). "Director"---means---the---Director----of
 13 Professional-Regulation-

14 (e) (Blank). "Committee"--means--the--Illinois--Public
 15 Accountants-Registration-Committee-appointed-by-the-Director-

16 (f) "License", "licensee" and "licensure" refers to the
 17 authorization to practice under the provisions of this Act.

18 (g) "Peer review program" means a study, appraisal, or
 19 review of one or more aspects of the professional work of a
 20 person or firm certified or licensed under this Act,
 21 including quality review, peer review, practice monitoring,
 22 quality assurance, and similar programs undertaken
 23 voluntarily or in response to membership requirements in a
 24 professional organization, or as a prerequisite to the
 25 providing of professional services under government
 26 requirements, or any similar internal review or inspection
 27 that is required by professional standards.

28 (h) "Review committee" means any person or persons
 29 conducting, reviewing, administering, or supervising a peer
 30 review program.

31 (i) "University" means the University of Illinois.

32 (j) "Board" means the Board of Examiners established
 33 under Section 2.

34 (Source: P.A. 88-36.)

1 (225 ILCS 450/1) (from Ch. 111, par. 5501)

2 Sec. 1. Any person, eighteen years of age or older, who
3 has received from the Board University--of--Illinois,
4 hereinafter-called--the--University, a certificate of his
5 qualifications as hereinafter provided, shall be styled and
6 known as a "Certified Public Accountant," and no other person
7 shall assume such title or use the abbreviation "C. P.A." or
8 any words or letters to indicate that the person using the
9 same is a certified public accountant.

10 (Source: P.A. 83-291.)

11 (225 ILCS 450/2) (from Ch. 111, par. 5502)

12 Sec. 2. Examinations. The Governor University shall
13 appoint a Board of Examiners that shall determine the
14 qualifications of persons applying for certificates and shall
15 make rules for and conduct examinations for determining the
16 qualifications.

17 The Board shall consist of not less than 9 nor more than 11 9
18 examiners, as determined by Board rule, including 2 public
19 members. The remainder at-least-7-of-whom shall be certified
20 public accountants in this State who have been residents of
21 this State for at least 5 years immediately preceding their
22 appointment, except that one----one shall be either a
23 certified public an accountant of the grade herein described
24 or an attorney licensed and residing in this State and one
25 shall be a certified public accountant who is an active or
26 retired educator residing in this State. The term of office
27 of each examiner shall be 3 years, except that upon the
28 enactment of this amendatory Act of the 92nd General Assembly
29 1993, those members currently serving on the Board shall
30 continue to serve the duration of their terms, one additional
31 examiner shall be appointed for a term of one year, one
32 additional examiner for a term of 2 years, and any 2
33 additional examiners for terms a-term of 3 years. As the

1 term of each examiner expires, the appointment shall be
2 filled for a term of 3 years from the date of expiration.
3 Any Board member who has served as a member for 6 consecutive
4 years shall not be eligible for reappointment until 2 years
5 after the end of the term in which the sixth consecutive year
6 of service occurred, except that members of the Board serving
7 on the effective date of this Section shall be eligible for
8 appointment to one additional 3-year term. Where the
9 expiration of any member's term shall result in less than 11
10 members then serving on the Board, the member shall continue
11 to serve until his or her successor is appointed and has
12 qualified. The Governor may terminate the term of any member
13 of the Board at any time for cause.

14 The time and place of holding the examinations shall be
15 determined by the Board and shall be duly advertised by the
16 Board.

17 The examination shall test the applicant's knowledge of
18 accounting, auditing, and other related subjects, if any, as
19 the Board may deem advisable. A candidate must be examined
20 in all subjects except that a candidate who has passed in 2
21 or more subjects and who attained a minimum grade in each
22 subject failed as may be established by Board regulations
23 shall have the right to be re-examined in the remaining
24 subjects at one or more of the next 6 succeeding
25 examinations.

26 The Board may in certain cases waive or defer any of the
27 requirements of this Section regarding the circumstances in
28 which the various Sections of the examination must be passed
29 upon a showing that, by reasons of circumstances beyond the
30 applicant's control, the applicant was unable to meet the
31 requirement.

32 Applicants may also be required to pass an examination on
33 the rules of professional conduct, as determined by Board
34 rule to be appropriate.

1 The examinations shall be given at least twice a year.

2 Any application, document or other information filed by
3 or concerning an applicant and any examination grades of an
4 applicant shall be deemed confidential and shall not be
5 disclosed to anyone without the prior written permission of
6 the applicant, except that it is hereby deemed in the public
7 interest that the names and addresses only of all applicants
8 shall be a public record and be released as public
9 information. Nothing herein shall prevent the Board from
10 making public announcement of the names of persons receiving
11 certificates under this Act.

12 The Board shall adopt all necessary and reasonable rules
13 and regulations for the effective administration of the
14 Sections---of this Act for--which--it--is--charged--with
15 administering. Without limiting the foregoing, the Board
16 shall adopt and prescribe rules and regulations for a fair
17 and wholly and impartial method of determining the
18 qualifications of applicants for examination and for a fair
19 and wholly and impartial method of examination of persons
20 under Section 2 and may establish rules for subjects
21 conditioned and for the transfer of credits from other
22 jurisdictions with respect to subjects passed.

23 (Source: P.A. 88-36.)

24 (225 ILCS 450/3) (from Ch. 111, par. 5504)

25 Sec. 3. Qualifications of applicants. ~~To-be-admitted-to~~
26 ~~take-the-examination-given-before-January-1,-2001,-for-the~~
27 ~~purpose--of--determining-the-qualifications-of-applicants-for~~
28 ~~certificates-as-certified-public-accountants-under-this--Act,~~
29 ~~the--applicants--shall--be--required--to-present-proof-of-the~~
30 ~~successful-completion-of-120-college-or--university--semester~~
31 ~~hours--of--study-or-their-equivalent-from-a-school-or-schools~~
32 ~~acceptable-to-the-Board.-Of-the-120-semester-hours,-at-least~~
33 ~~27--semester--hours--shall--be--in--the--study-of-accounting,~~

1 ~~auditing-and-business-law, provided that of the 27 hours--not~~
2 ~~more--than-6-shall-be-in-business-law.~~ To be admitted to take
3 the examination after the year 2000, for the purpose of
4 determining the qualifications of applicants for certificates
5 as certified public accountants under this Act, the
6 applicants shall be required to present proof of the
7 successful completion of 150 college or university semester
8 hours of study or their equivalent, to include a
9 baccalaureate or higher degree conferred by a college or
10 university acceptable to the Board of Examiners, the total
11 educational program to include an accounting concentration or
12 equivalent as determined by Board rules to be appropriate. In
13 adopting those rules, the Board shall consider, among other
14 things, any impediments to the interstate practice of public
15 accounting that may result from differences in the
16 requirements in other states.

17 Candidates who have taken the examination at least once
18 before January 1, 2001, may take the examination under the
19 qualifications in effect when they first took the
20 examination.

21 (Source: P.A. 87-726; 88-36.)

22 (225 ILCS 450/6) (from Ch. 111, par. 5507)

23 Sec. 6. Fees; pay of examiners; expenses. The Board shall
24 charge a fee in an amount at least sufficient to defray the
25 costs and expenses incident to the examination and issuance
26 of a certificate provided for in Section 3 and for the
27 issuance of a certificate provided for in Section 5. This fee
28 shall be payable by the applicant at the time of filing an
29 application.

30 The Board appointed by the Governor University in
31 accordance with the provisions of Section 2 shall receive
32 reasonable compensation, to be set determined by Board rule
33 ~~the-University~~, for the time actually expended in pursuance

1 of the duties imposed upon them by this Act, and they shall
2 be further entitled to their necessary traveling expenses.
3 All expenses provided for by this Act shall be paid from the
4 fees received under this Act,~~and no expense incurred under~~
5 ~~this Act shall be charged against other funds of the~~
6 University.

7 From the fees collected, the Board shall pay all the
8 expenses incident to the examinations, the expenses of
9 issuing certificates, the traveling expenses of the
10 examiners, and their compensation while performing their
11 duties, and other necessary expenses in the administration of
12 this Act.

13 (Source: P.A. 88-36.)

14 (225 ILCS 450/7) (from Ch. 111, par. 5508)

15 Sec. 7. Licensure. A holder of a certificate as
16 certified public accountant issued by the Board shall not be
17 entitled to practice public accounting, as defined in Section
18 8, in this State until the person has been licensed as a
19 licensed certified public accountant by the Board Department
20 ~~of Professional Regulation of this State, and has received a~~
21 ~~registration card from the Department.~~

22 The Board Department may refuse to issue or may suspend
23 the license of any person who fails to file a return, or to
24 pay the tax, penalty or interest shown in a filed return, or
25 to pay any final assessment of tax, penalty or interest, as
26 required by any tax Act administered by the Illinois
27 Department of Revenue, until such time as the requirements of
28 any such tax Act are satisfied.

29 (Source: P.A. 88-36.)

30 (225 ILCS 450/8) (from Ch. 111, par. 5509)

31 Sec. 8. Practicing as licensed certified public
32 accountant. Persons, either individually, as members of a

1 partnership or limited liability company, or as officers of a
2 corporation, who sign, affix or associate their names or any
3 trade or assumed names used by them in a profession or
4 business to any report expressing or disclaiming an opinion
5 on a financial statement based on an audit or examination of
6 that statement, or expressing assurance on a financial
7 statement, shall be deemed to be in practice as licensed
8 certified public accountants within the meaning and intent of
9 this Act.

10 (Source: P.A. 87-435; 88-36.)

11 (225 ILCS 450/9.01)

12 Sec. 9.01. Unlicensed practice; violation; civil
13 penalty.

14 (a) Any person who practices, offers to practice,
15 attempts to practice, or holds oneself out to practice as a
16 licensed certified public accountant without being licensed
17 under this Act shall, in addition to any other penalty
18 provided by law, pay a civil penalty to the Board Department
19 in an amount not to exceed \$5,000 for each offense as
20 determined by the Board Department. The civil penalty shall
21 be assessed by the Board Department after a hearing is held
22 in accordance with the provisions set forth in this Act
23 regarding the provision of a hearing for the discipline of a
24 licensee.

25 (b) The Board Department has the authority and power to
26 investigate any and all unlicensed activity.

27 (c) The civil penalty shall be paid within 60 days after
28 the effective date of the order imposing the civil penalty.
29 The order shall constitute a judgment and may be filed and
30 execution had thereon in the same manner as any judgment from
31 any court of record.

32 (Source: P.A. 89-474, eff. 6-18-96.)

1 (225 ILCS 450/9.02 new)

2 Sec. 9.02. Unauthorized use of title; violation; civil
3 penalty.

4 (a) Any person who shall assume the title "certified
5 public accountant" or use the abbreviation "CPA" or any words
6 or letters to indicate that the person using the same is a
7 certified public accountant without having been issued a
8 certificate under the provisions of this Act shall, in
9 addition to any other penalty provided by law, pay a
10 civil penalty to the Board in an amount not to exceed \$5,000
11 for each offense as determined by the Board. The civil
12 penalty shall be assessed by the Board after a hearing is
13 held in accordance with the provisions set forth in this
14 Act regarding the provision of a hearing for the
15 discipline of a licensee.

16 (b) The Board has the authority and power to
17 investigate any and all alleged improper use of the
18 certified public accountant title or CPA designation.

19 (c) The civil penalty shall be paid within 60
20 days after the effective date of the order imposing the civil
21 penalty. The order shall constitute a judgment and may be
22 filed and execution had thereon in the same manner as any
23 judgment from any court of record.

24 (225 ILCS 450/9.2) (from Ch. 111, par. 5510.2)

25 Sec. 9.2. Powers and duties of the Board.

26 (a) The Board ~~Department~~ shall exercise the powers and
27 duties prescribed by "The Civil Administrative Code of
28 Illinois" for the administration of licensing acts and shall
29 exercise such other powers and duties invested by this Act.

30 (b) The Board ~~Director~~ may promulgate rules consistent
31 with the provisions of this Act for the administration and
32 enforcement thereof, and for the payment of fees connected
33 therewith and may prescribe forms which shall be issued in

1 connection therewith. The rules shall include standards and
2 criteria for licensure and professional conduct and
3 discipline. ~~The Department shall consult with the Committee~~
4 ~~in promulgating rules. Notice of proposed rulemaking shall~~
5 ~~be transmitted to the Committee and the Department shall~~
6 ~~review the Committee's response and any recommendations made~~
7 ~~therein. The Department shall notify the Committee in~~
8 ~~writing with explanation of deviations from the Committee's~~
9 ~~recommendations and responses.~~

10 (c) ~~The Department may solicit the advice and expert~~
11 ~~knowledge of the Committee on any matter relating to the~~
12 ~~administration and enforcement of this Act.~~

13 (d) ~~The Department shall issue quarterly to the~~
14 ~~Committee a report of the status of all complaints related to~~
15 ~~the profession received by the Department.~~

16 (Source: P.A. 83-291.)

17 (225 ILCS 450/11) (from Ch. 111, par. 5512)

18 Sec. 11. Exemption from Act. Nothing in this Act shall
19 prohibit any person who may be engaged by one or more
20 persons, partnerships or corporations, from keeping books, or
21 from making trial balances or statements, or, as an employee,
22 from making audits or preparing reports, provided that the
23 person does not indicate or in any manner imply that the
24 trial balances, statements, or reports have been prepared or
25 examined by a certified public accountant or a licensed
26 certified public accountant or that they represent the
27 independent opinion of a certified public accountant or a
28 licensed certified public accountant. Nothing in this Act
29 shall prohibit any person from preparing tax and information
30 returns or from acting as representative or agent at tax
31 inquiries, examinations or proceedings, or from preparing and
32 installing accounting systems, or from reviewing accounts and
33 accounting methods for the purpose of determining the

1 efficiency of accounting methods or appliances, or from
2 studying matters of organization, provided that the person
3 does not indicate or in any manner imply that the reports
4 have been prepared by, or that the representation or
5 accounting work has been performed by a certified public
6 accountant or a licensed certified public accountant.
7 Unlicensed accountants are not prohibited from performing any
8 services that they may have performed prior to this
9 Amendatory Act of 1983.

10 (Source: P.A. 88-36.)

11 (225 ILCS 450/13) (from Ch. 111, par. 5514)

12 Sec. 13. Application for licensure. A person,
13 partnership, limited liability company, or corporation
14 desiring to practice public accounting in this State shall
15 make application to the Board Department for licensure as a
16 licensed certified public accountant and shall pay the fee
17 required by Section 17.

18 Applicants have 3 years from the date of application to
19 complete the application process. If the process has not
20 been completed in 3 years, the application shall be denied,
21 the fee forfeited and the applicant must reapply and meet the
22 requirements in effect at the time of reapplication.

23 (Source: P.A. 88-36.)

24 (225 ILCS 450/14) (from Ch. 111, par. 5515)

25 Sec. 14. Qualifications. The Board Department shall
26 license as licensed certified public accountants the
27 following:

28 (a) All persons who have received or who hereafter
29 receive certificates as certified public accountants from the
30 Board, who have had at least one year of full-time
31 experience, or its equivalent, providing any type of service
32 or advice involving the use of accounting, attest, management

1 advisory, financial advisory, tax, or consulting skills,
2 which may be gained through employment in government,
3 industry, academia, or public practice.

4 If the applicant's certificate was issued more than 4
5 years prior to the application for an internal license under
6 this Section, the applicant shall submit any evidence the
7 Board Department may require showing the applicant has
8 completed not less than 90 hours of continuing professional
9 education acceptable to the Board Department within the 3
10 years immediately preceding the date of application.

11 ~~The Committee shall be the sole and final judge of the~~
12 ~~qualification of experience under this section.~~

13 (b) All partnerships, limited liability companies, or
14 corporations, or other entities engaged in the practice of
15 public accounting in this State and meeting the following
16 requirements:

17 (1) (Blank).

18 (2) A majority of the ownership of the firm, in
19 terms of financial interests and voting rights of all
20 partners, officers, shareholders, members, or managers,
21 belongs to persons licensed in some state, and the
22 partners, officers, shareholders, members, or managers
23 whose principal place of business is in this State and
24 who practice public accounting in this State, as defined
25 in Section 8 of this Act, hold a valid license issued by
26 this State.

27 (3) It shall be lawful for a nonprofit cooperative
28 association engaged in rendering an auditing and
29 accounting service to its members only, to continue to
30 render that service provided that the rendering of
31 auditing and accounting service by the cooperative
32 association shall at all times be under the control and
33 supervision of licensed certified public accountants.

34 (4) The Board Department may adopt rules and

1 regulations as necessary to provide for the practice of
2 public accounting by business entities that may be
3 otherwise authorized by law to conduct business in
4 Illinois.

5 The---Director---shall---appoint---a---Public--Accountant
6 Registration-Committee-as-follows:-7--persons--who--shall--be
7 appointed--by--and--shall--serve--in--an--advisory--capacity--to--the
8 Director.--Six-members-must-be-licensed--public--accountants,
9 in--good--standing,
10 in--good--standing,
11 and--must--be--actively--engaged--in--the
12 practice--of--public--accounting--in--this--State,
13 and--one--member
14 of--the--public,
15 who--is--not--licensed--under--this--Act,
16 or--a
17 similar--Act--of--another--jurisdiction,
18 and,
19 who--has--no
20 connection---with---the---accounting---or---public--accounting
21 profession.--Members--shall--serve--4--year--terms--and--until--their
22 successors--are--appointed--and--qualified.--No--member--shall--be
23 reappointed---to---the--Committee--for--more--than--2--terms.
24 Appointments--to--fill--vacancies--shall--be--made--in--the--same
25 manner--as--original--appointments,
26 for--the--unexpired--portion--of
27 the--vacated--term.----The--membership--of--the--Committee--should
28 reasonably--reflect--representation--from--the--geographic--areas
29 in--this--State.

30 The--members--of--the--Committee--appointed--by--the--Director
31 shall--receive--reasonable--compensation,
32 to--be--determined--by
33 the---Department,
34 for---the---necessary,
legitimate,
and
authorized--expenses--approved--by--the--Department.--All--expenses
shall---be---paid---from---the--Registered--Certified--Public
Accountants'-Administration-and-Disciplinary-Fund.

35 The-Director-may-terminate-the-appointment-of-any-member
for-cause.

36 The---Director---shall---consider---the---advice---and
37 recommendations--of--the--Committee--on--questions--involving
38 standards---of---professional---conduct,
39 discipline---and
40 qualifications--of--candidates--and--licensees--under--this--Act.

41 (Source: P.A. 91-508, eff. 8-13-99; 91-827, eff. 6-13-00.)

1 (225 ILCS 450/14.1)

2 Sec. 14.1. Foreign accountants. The Board Department
3 shall issue a license to a holder of a foreign designation,
4 granted in a foreign country entitling the holder thereof to
5 engage in the practice of public accounting, provided:

6 (a) The applicant is the holder of a certificate from
7 the Board issued under Section 2, 5, or 5.1 of this Act; and

8 (b) The foreign authority that granted the designation
9 makes similar provision to allow a person who holds a valid
10 license issued by this State to obtain a foreign authority's
11 comparable designation; and

12 (c) The foreign designation (i) was duly issued by a
13 foreign authority that regulates the practice of public
14 accounting and the foreign designation has not expired or
15 been revoked or suspended; (ii) entitles the holder to issue
16 reports upon financial statements; and (iii) was issued upon
17 the basis of educational, examination, and experience
18 requirements established by the foreign authority or by law;
19 and

20 (d) The applicant (i) received the designation based on
21 standards substantially equivalent to those in effect in this
22 State at the time the foreign designation was granted; and
23 (ii) completed an experience requirement, substantially
24 equivalent to the requirement set out in Section 14, in the
25 jurisdiction that granted the foreign designation or has
26 completed 5 years of experience in the practice of public
27 accounting in this State, or meets equivalent requirements
28 prescribed by the Board Department by rule, within the 10
29 years immediately preceding the application.

30 (Source: P.A. 88-36.)

31 (225 ILCS 450/14.2)

32 Sec. 14.2. Licensure by endorsement.

33 (a) The Board Department shall issue a license as a

1 licensed certified public accountant to any applicant who
2 holds a certificate as a certified public accountant issued
3 by the Board and who holds a valid unrevoked license or
4 permit to practice as a licensed certified public accountant
5 issued under the laws of any other state or territory of the
6 United States or the District of Columbia, provided:

7 (1) the individual applicant is determined by the
8 Board Department to possess personal qualifications
9 substantially equivalent to this State's current
10 licensing requirements;

11 (2) at the time the applicant received his or her
12 current valid and unrevoked license or permit, the
13 applicant possessed qualifications substantially
14 equivalent to the qualifications for licensure then in
15 effect in this State; or

16 (3) the applicant has, after passing the
17 examination upon which his or her license or other permit
18 to practice was based, not less than 4 years of
19 experience in the practice of public accounting within
20 the 10 years immediately before the application.

21 (b) In determining the substantial equivalency of any
22 state's requirements to Illinois' requirements, the Board
23 Department may rely on the determinations of the National
24 Qualification Appraisal Service of the National Association
25 of State Boards of Accountancy or such other qualification
26 appraisal service as it deems appropriate.

27 (Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00.)

28 (225 ILCS 450/14.3)

29 Sec. 14.3. Additional requirements for firms. In
30 addition to the ownership requirements set forth in
31 subsection (b) of Section 14, all firms licensed under this
32 Act shall meet the following requirements:

33 (a) All owners of the firm who are not licensed shall be

1 active participants in the firm or its affiliated entities.

2 (b) An individual who supervises services for which a
3 license is required under Section 8 of this Act or who signs
4 or authorizes another to sign any report for which a license
5 is required under Section 8 of this Act shall hold a valid,
6 unrevoked license from this State or another state and shall
7 comply with such additional experience requirements as may be
8 required by rule of the Board Department.

9 (c) The firm shall require that all owners of the firm,
10 whether or not certified or licensed under this Act, comply
11 with rules promulgated under this Act.

12 (d) The firm shall designate to the Board Department in
13 writing an individual licensed under this Act who shall be
14 responsible for the proper registration of the firm.

15 (Source: P.A. 91-508, eff. 8-13-99.)

16 (225 ILCS 450/16) (from Ch. 111, par. 5517)

17 Sec. 16. Expiration and renewal of licenses; renewal of
18 registration; continuing education.

19 (a) The expiration date and renewal period for each
20 license issued under this Act shall be set by rule.

21 (b) Every application for renewal of a license by any
22 person who has been licensed under this Act for 3 years or
23 more shall be accompanied or supported by any evidence the
24 Board Department shall prescribe, in satisfaction of
25 completing, each 3 years, not less than 120 hours of
26 qualifying continuing professional education programs.
27 Applications for renewal by any person who has been licensed
28 less than 3 years shall be accompanied or supported by
29 evidence of completion of 20 hours of qualifying continuing
30 professional education programs for each full 6 months since
31 the date of licensure or last renewal. Qualifying continuing
32 education programs include those given by continuing
33 education sponsors registered with the Board, those given by

1 the American Institute of CPAs, the Illinois CPA Foundation,
2 and programs given by sponsors approved by national
3 accrediting organizations approved by the Board. in--subjects
4 given--by--continuing--education--sponsors--registered-by-the
5 Department--upon--recommendation--of--the--Committee. All
6 continuing education sponsors applying to the Board
7 Department for registration shall be required to submit an
8 initial nonrefundable application fee set by Board Department
9 rule. Each registered continuing education sponsor shall be
10 required to pay an annual renewal fee set by Board Department
11 rule. Publicly supported colleges, universities, and
12 governmental agencies located in Illinois are exempt from
13 payment of any fees required for continuing education sponsor
14 registration. Failure by a continuing education sponsor to
15 be--licensed--or pay the fees prescribed in this Act, or to
16 comply with the rules and regulations established by the
17 Board Department under this Section regarding requirements
18 for continuing education courses or sponsors, shall
19 constitute grounds for revocation or denial of renewal of the
20 sponsor's registration. All other courses or programs may
21 qualify upon presentation by the licensee of evidence
22 satisfactory to the Board that the course or program meets
23 all Board rules for qualifying education programs.

24 Notwithstanding-the-preceding-paragraph,--the--Department
25 may--accept--courses--and--sponsors--approved--by--other--states,--by
26 the--American--Institute--of--Certified--Public--Accountants,--by
27 other---state--CPA--societies,--or--by--national--accrediting
28 organizations--such--as--the--National--Association--of--State
29 Boards--of--Accountancy;--provided,--however,--that--the--sponsor
30 must--register--with--the--Department--and--pay--the--required--fee--if
31 its--courses--are--presented--in--the--State--of--Illinois.

32 Failure by an applicant for renewal of a license as--a
33 public--accountant to furnish the evidence shall constitute
34 grounds for disciplinary action, unless the Board Department

1 in its discretion shall determine the failure to have been
2 due to reasonable cause. The Board Department, in its
3 discretion, may renew a license despite failure to furnish
4 evidence of satisfaction of requirements of continuing
5 education upon condition that the applicant follow a
6 particular program or schedule of continuing education. In
7 issuing rules, regulations, and individual orders in respect
8 of requirements of continuing education, the Board Department
9 in its discretion may, among other things, use and rely upon
10 guidelines and pronouncements of recognized educational and
11 professional associations; may prescribe rules for content,
12 duration, and organization of courses; shall take into
13 account the accessibility to applicants of continuing
14 education as it may require, and any impediments to
15 interstate practice of public accounting that may result from
16 differences in requirements in other states; and may provide
17 for relaxation or suspension of requirements in regard to
18 applicants who certify that they do not intend to engage in
19 the practice of public accounting, and for instances of
20 individual hardship.

21 The Board Department shall establish by rule a means for
22 the verification of completion of the continuing education
23 required by this Section. This verification may be
24 accomplished through audits of records maintained by
25 registrants; by requiring the filing of continuing education
26 certificates with the Board Department; or by other means
27 established by the Board Department.

28 The Board Department may establish, by rule, guidelines
29 for acceptance of continuing education on behalf of licensed
30 certified public accountants taking continuing education
31 courses in other jurisdictions.

32 (Source: P.A. 87-435; 87-546; 88-36.)

33 (225 ILCS 450/17) (from Ch. 111, par. 5518)

1 Sec. 17. Fees; returned checks; fines. Each person,
2 partnership, limited liability company, and corporation, to
3 which a license is issued, shall pay a fee to be established
4 by the Board Department which allows the Board Department to
5 pay all costs and expenses incident to the administration of
6 this Act. Interim licenses shall be at full rates.

7 The Board Department, by rule, shall establish fees to be
8 paid for certification of records, and copies of this Act and
9 the rules issued for administration of this Act.

10 Any person who delivers a check or other payment to the
11 Board Department that is returned to the Board Department
12 unpaid by the financial institution upon which it is drawn
13 shall pay to the Board Department, in addition to the amount
14 already owed to the Board Department, a fine in an amount to
15 be established by Board rule of-\$50. If the check or other
16 payment was for a renewal or issuance fee and that person
17 practices without paying the renewal fee or issuance fee and
18 the fine due, an additional fine in an amount to be
19 established by Board rule of-\$100 shall be imposed. The fines
20 imposed by this Section are in addition to any other
21 discipline provided under this Act for unlicensed practice or
22 practice on a nonrenewed license. The Board Department shall
23 notify the person that payment of fees and fines shall be
24 paid to the Board Department by certified check or money
25 order within 30 calendar days of the notification. If, after
26 the expiration of 30 days from the date of the notification,
27 the person has failed to submit the necessary remittance, the
28 Board Department shall automatically terminate the license or
29 certificate or deny the application, without hearing. If,
30 after termination or denial, the person seeks a license or
31 certificate, he or she shall apply to the Board Department
32 for restoration or issuance of the license or certificate and
33 pay all fees and fines due to the Board Department. The Board
34 Department may establish a fee for the processing of an

1 application for restoration of a license or certificate to
2 pay all expenses of processing this application. The Board
3 Director may waive the fines due under this Section in
4 individual cases where the Board Director finds that the
5 fines would be unreasonable or unnecessarily burdensome.

6 (Source: P.A. 87-1031; 88-36.)

7 (225 ILCS 450/17.1) (from Ch. 111, par. 5518.1)

8 Sec. 17.1. Any licensed certified public accountant who
9 has permitted his license to expire or who has had his
10 license on inactive status may have his license restored by
11 making application to the Board Department and filing proof
12 acceptable to the Board Department of his fitness to have his
13 license restored, including sworn evidence certifying to
14 active practice in another jurisdiction satisfactory to the
15 Board Department and by paying the required restoration fee
16 and by submitting proof of the required continuing education.

17 If the licensed certified public accountant has not
18 maintained an active practice in another jurisdiction
19 satisfactory to the Board Department, the Board Department
20 shall determine, by an evaluation program established by
21 rule, fitness to resume active status and may require the
22 applicant to complete a period of supervised auditing
23 experience.

24 However, any licensed certified public accountant whose
25 license expired while he was (1) in Federal Service on active
26 duty with the Armed Forces of the United States, or the State
27 Militia called into service or training, or (2) in training
28 or education under the supervision of the United States
29 preliminary to induction into the military service, may have
30 his license renewed reinstated or restored without paying any
31 lapsed renewal and restoration fees if within 2 years after
32 honorable termination of such service, training or education
33 except under conditions other than honorable, he furnished

1 the Board Department with satisfactory evidence to the effect
2 that he has been so engaged and that his service, training or
3 education has been so terminated.

4 (Source: P.A. 84-1299.)

5 (225 ILCS 450/17.2) (from Ch. 111, par. 5518.2)

6 Sec. 17.2. Any licensed certified public accountant who
7 notifies the Board Department in writing on forms prescribed
8 by the Board Department, may elect to place his license on an
9 inactive status and shall, subject to rules of the Board
10 Department, be excused from payment of renewal fees until he
11 notifies the Board Department in writing of his desire to
12 resume active status.

13 Any licensed certified public accountant requesting
14 restoration from inactive status shall be required to pay the
15 current renewal fee, shall be required to submit proof of the
16 required continuing education, and shall be required to
17 restore his license, as provided in this Act.

18 Any licensed certified public accountant whose license is
19 in an inactive status shall not practice public accounting in
20 this State of Illinois.

21 The Board Department may, in its discretion, license as a
22 licensed certified public accountant, on payment of the
23 required fee, an applicant who is a licensed certified public
24 accountant licensed under the laws of another jurisdiction if
25 the requirements for licensure of licensed certified public
26 accountants in the jurisdiction in which the applicant was
27 licensed were, at the date of his licensure, substantially
28 equivalent to the requirements in force in this State on that
29 date.

30 Applicants have 3 years from the date of application to
31 complete the application process. If the process has not
32 been completed in 3 years, the application shall be denied,
33 the fee forfeited and the applicant must reapply and meet the

1 requirements in effect at the time of reapplication.

2 (Source: P.A. 86-615.)

3 (225 ILCS 450/19) (from Ch. 111, par. 5520)

4 Sec. 19. Hearings. The Board, or a committee thereof,
5 shall ~~Committee-established-under-the-provisions--of--Section~~
6 ~~14--shall,~~ ~~upon--designation--by--the-Director,~~ hear charges
7 which, if proved, would constitute grounds for disciplinary
8 action; shall hear applications for restoration of a license
9 and the issuance of registration cards as licensed certified
10 public accountants of any person, partnership, limited
11 liability company, or corporation whose license has been
12 suspended or revoked; and shall report its findings and
13 recommendations in connection therewith to the Board
14 ~~Direetor,~~ all as provided in Section 20.01.

15 The Board ~~Department,~~ ~~upon--recommendation--of--the~~
16 ~~Committee~~ shall also have power to promulgate and amend rules
17 of professional conduct that shall apply to persons certified
18 or every-person licensed under this Act.

19 (Source: P.A. 88-36.)

20 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

21 Sec. 20.01. Grounds for discipline; license.

22 (a) The Board ~~Department~~ may refuse to issue or renew,
23 or may revoke, suspend, or reprimand any license or licensee,
24 place a licensee on probation for a period of time subject to
25 any conditions the Board ~~Committee~~ may specify including
26 requiring the licensee to attend continuing education courses
27 or to work under the supervision of another licensee, impose
28 a fine not to exceed \$5,000 for each violation, restrict the
29 authorized scope of practice, or require a licensee to
30 undergo a peer review program, for any one or more of the
31 following:

32 (1) Violation of any provision of this Act.

1 (2) Attempting to procure a license to practice
2 public accounting by bribery or fraudulent
3 misrepresentations.

4 (3) Having a license to practice public accounting
5 revoked, suspended, or otherwise acted against, including
6 the denial of licensure, by the licensing authority of
7 another state, the District of Columbia, or any United
8 States territory ~~territory, or country~~. No disciplinary
9 action shall be taken in Illinois if the action taken in
10 another jurisdiction was based upon failure to meet the
11 continuing professional education requirements of that
12 jurisdiction and the applicable Illinois continuing
13 professional education requirements are met.

14 (4) Being convicted or found guilty, regardless of
15 adjudication, of a crime in any jurisdiction which
16 directly relates to the practice of public accounting or
17 the ability to practice public accounting.

18 (5) Making or filing a report or record which the
19 registrant knows to be false, willfully failing to file a
20 report or record required by state or federal law,
21 willfully impeding or obstructing the filing, or inducing
22 another person to impede or obstruct the filing. The
23 reports or records shall include only those that are
24 signed in the capacity of a licensed certified public
25 accountant.

26 (6) Conviction in this or another State or the
27 District of Columbia, or any United States Territory, of
28 any crime that is punishable by one year or more in
29 prison or conviction of a crime in a federal court that
30 is punishable by one year or more in prison.

31 (7) Proof that the licensee is guilty of fraud or
32 deceit, or of gross negligence, incompetency, or
33 misconduct, in the practice of public accounting.

34 (8) Violation of any rule adopted under this Act.

1 (9) Practicing on a revoked, suspended, or inactive
2 license.

3 (10) Suspension or revocation of the right to
4 practice before any State.

5 (11) Conviction of any crime under the laws of the
6 United States or any state or territory of the United
7 States that is a felony or misdemeanor and has dishonesty
8 as essential element, or of any crime that is directly
9 related to the practice of the profession.

10 (12) Making any misrepresentation for the purpose
11 of obtaining a license, or material misstatement in
12 furnishing information to the Board Department.

13 (13) Aiding or assisting another person in
14 violating any provision of this Act or rules promulgated
15 hereunder.

16 (14) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public and violating the rules of
19 professional conduct adopted by the Board Department.

20 (15) Habitual or excessive use or addiction to
21 alcohol, narcotics, stimulants, or any other chemical
22 agent or drug that results in the inability to practice
23 with reasonable skill, judgment, or safety.

24 (16) Directly or indirectly giving to or receiving
25 from any person, firm, corporation, partnership, or
26 association any fee, commission, rebate, or other form of
27 compensation for any professional service not actually
28 rendered.

29 (17) Physical or mental disability, including
30 deterioration through the aging process or loss of
31 abilities and skills that results in the inability to
32 practice the profession with reasonable judgment, skill
33 or safety.

34 (18) Solicitation of professional services by using

1 false or misleading advertising.

2 (19) Failure to file a return, or pay the tax,
3 penalty or interest shown in a filed return, or to pay
4 any final assessment of tax, penalty or interest, as
5 required by any tax Act administered by the Illinois
6 Department of Revenue or any successor agency or the
7 Internal Revenue Service or any successor agency.

8 (20) Practicing or attempting to practice under a
9 name other than the full name as shown on the license or
10 any other legally authorized name.

11 (21) A finding by the Board Department that a
12 licensee has not complied with a provision of any lawful
13 order issued by the Board Department.

14 (22) Making a false statement to the Board
15 Department regarding compliance with continuing
16 professional education requirements.

17 (23) Failing to make a substantive response to a
18 request for information by the Board Department within 30
19 days of the request.

20 (b) (Blank).

21 (c) In rendering an order, the Board ~~Director~~ shall take
22 into consideration the facts and circumstances involving the
23 type of acts or omissions in subsection (a) including, but
24 not limited to:

25 (1) the extent to which public confidence in the
26 public accounting profession was, might have been, or may
27 be injured;

28 (2) the degree of trust and dependence among the
29 involved parties;

30 (3) the character and degree of financial or
31 economic harm which did or might have resulted; and

32 (4) the intent or mental state of the person
33 charged at the time of the acts or omissions.

34 (d) The Board Department shall reissue the license upon

1 ~~a showing~~ certification-by-the-Committee that the disciplined
2 licensee has complied with all of the terms and conditions
3 set forth in the final order.

4 (e) The Board Department shall deny any application for
5 a license or renewal, without hearing, to any person who has
6 defaulted on an educational loan guaranteed by the Illinois
7 Student Assistance Commission; however, the Board Department
8 may issue a license or renewal if the person in default has
9 established a satisfactory repayment record as determined by
10 the Illinois Student Assistance Commission.

11 (f) The determination by a court that a licensee is
12 subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code will result in the automatic suspension of his or her
15 license. The suspension will end upon a finding by a court
16 that the licensee is no longer subject to involuntary
17 admission or judicial admission and ~~7~~ the issuance of an
18 order so finding and discharging the patient~~7--and--the~~
19 ~~recommendation--of--the--Committee--to--the--Director--that--the~~
20 ~~licensee-be-allowed-to-resume-professional-practice.~~

21 (Source: P.A. 90-655, eff. 7-30-98.)

22 (225 ILCS 450/20.1) (from Ch. 111, par. 5522)

23 Sec. 20.1. Investigations; notice; hearing. The Board
24 Department may, upon its own motion, and shall, upon the
25 verified complaint in writing of any person setting forth
26 facts which, if proved, would constitute grounds for
27 disciplinary action as set forth in Section 20.01,
28 investigate the actions of any person or entity. The Board
29 Department may refer complaints and investigations to a
30 disciplinary body of the accounting profession for technical
31 assistance. The results of an investigation and
32 recommendations of the disciplinary body may be considered by
33 the Board Department, but shall not be considered

1 determinative and the Board Department shall not in any way
2 be obligated to take any action or be bound by the results of
3 the accounting profession's disciplinary proceedings. The
4 Board, Department before taking disciplinary action, shall
5 afford the concerned party or parties an opportunity to
6 request a hearing and if so requested shall set a time and
7 place for a hearing of the complaint. The Board Department
8 shall notify the applicant or the licensed person or entity
9 of any charges made and the date and place of the hearing of
10 those charges by mailing notice thereof to that person or
11 entity by registered or certified mail to the place last
12 specified by the accused person or entity in the last
13 notification to the Board Department, at least 30 days prior
14 to the date set for the hearing or by serving a written
15 notice by delivery of the notice to the accused person or
16 entity at least 15 days prior to the date set for the
17 hearing, and shall direct the applicant or licensee to file a
18 written answer to the Board under oath within 20 days after
19 the service of the notice and inform the applicant or
20 licensee that failure to file an answer will result in
21 default being taken against the applicant or licensee and
22 that the license or certificate may be suspended, revoked,
23 placed on probationary status, or other disciplinary action
24 may be taken, including limiting the scope, nature or extent
25 of practice, as the Board Director may deem proper. In case
26 the person fails to file an answer after receiving notice,
27 his or her license or certificate may, in the discretion of
28 the Board Department, be suspended, revoked, or placed on
29 probationary status, or the Board Department may take
30 whatever disciplinary action deemed proper, including
31 limiting the scope, nature, or extent of the person's
32 practice or the imposition of a fine, without a hearing, if
33 the act or acts charged constitute sufficient grounds for
34 such action under this Act. The Board Department shall afford

1 the accused person or entity an opportunity to be heard in
2 person or by counsel at the hearing. Following At the
3 conclusion of the hearing the Board Committee shall issue
4 ~~present--to-the-Direeter~~ a written order setting forth report
5 of its finding of facts, conclusions of law, and penalties to
6 be imposed recommendations. The order report shall contain a
7 finding whether or not the accused person violated this Act
8 or failed to comply with the conditions required in this Act.
9 ~~The--Committee--shall--specify--the--nature--of--the--violation--or~~
10 ~~failure--to--comply,--and--make--its--recommendations--to--the~~
11 ~~Direeter.~~

12 ~~The--report--of--findings--of--fact,--conclusions--of--law--and~~
13 ~~recommendations--of--the--Committee--shall--be--the--basis--for--the~~
14 ~~Department's--disciplinary--action.--If--the--Direeter--disagrees~~
15 ~~in--any--regard--with--the--report,--he--may--issue--an--order--in~~
16 ~~contravention--of--the--report.--The--Direeter--shall--provide--a~~
17 ~~written--explanation--to--the--Committee--of--any--deviations--from~~
18 ~~their--report,--and--shall--specify--with--particularity--the~~
19 ~~reasons--of--that--action--in--the--final--order.~~ The finding is not
20 admissible in evidence against the person in a criminal
21 prosecution brought for the violation of this Act, but the
22 hearing and findings are not a bar to a criminal prosecution
23 brought for the violation of this Act.

24 (Source: P.A. 87-1031; 88-36.)

25 (225 ILCS 450/20.2) (from Ch. 111, par. 5523)

26 Sec. 20.2. The Board Department may either--directly--or
27 through--its--Committee subpoena and bring before it at any
28 hearing any person in this State and take testimony through
29 the--Committee either orally or by deposition, or both, with
30 the same fees and mileage and in the same manner as
31 prescribed by law in judicial proceedings in civil cases in
32 circuit courts of this State.

33 The Chairman of the Board Direeter, or any member of the

1 Board Committee designated by the Chairman, or any hearing
2 officer appointed pursuant to Section 20.6, Director may
3 administer oaths to witnesses at any hearing which the Board
4 Department is authorized by law to conduct, and any other
5 oaths required or authorized in any Act administered by the
6 Board Department.

7 (Source: P.A. 83-338.)

8 (225 ILCS 450/20.3) (from Ch. 111, par. 5524)

9 Sec. 20.3. Any circuit court in the State of Illinois,
10 upon the application of the accused person, partnership or
11 corporation, of the complainant or of the Board Department,
12 may, by order duly entered, require the attendance of
13 witnesses and the production of relevant books and papers
14 before the Board Department at any hearing relative to a
15 disciplinary action and the court may compel obedience to the
16 order by proceedings for contempt.

17 (Source: P.A.83-291; 83-334.)

18 (225 ILCS 450/20.4) (from Ch. 111, par. 5525)

19 Sec. 20.4. The Board Department, at its expense, shall
20 provide a stenographer to take down the testimony and
21 preserve a record of all proceedings at disciplinary
22 hearings. The Board Department shall furnish a transcript of
23 that record to any person interested in that hearing upon
24 payment of the reasonable cost established by the Board
25 Department.

26 (Source: P.A. 83-291.)

27 (225 ILCS 450/20.5) (from Ch. 111, par. 5526)

28 Sec. 20.5. Rehearing. In any disciplinary proceeding, a
29 copy of the Board's order ~~Committee's report~~ shall be served
30 upon the respondent ~~by the Department~~, either personally or
31 as provided in this Act for the service of the notice of

1 hearing. Within 20 days after such service, the respondent
2 may present to the Board Department a motion in writing for a
3 rehearing, which motion shall specify the particular grounds
4 therefor. If no motion for rehearing is filed, then upon the
5 expiration of the time specified for filing such a motion, or
6 if a motion or rehearing is denied, then upon such denial the
7 determination of the Board shall be final Director-may-enter
8 an-order-in-accordance-with-recommendations-of-the--Committee
9 except--as--provided--in--Section--20.6--of-this-Act. If the
10 respondent shall order from the reporting service, and pay
11 for a transcript of the record within the time for filing a
12 motion for rehearing, the 20 day period within which such a
13 motion may be filed shall commence upon the delivery of the
14 transcript to the respondent.

15 Whenever--the--Director--is--satisfied--that--substantial
16 justice-has-not-been-done-in-the-disciplinary-proceeding, the
17 Director-may-order-a-rehearing-by-the-Committee-or-designated
18 hearing-officer.

19 Upon the suspension or revocation of a certificate or
20 license the licensee shall be required to surrender to the
21 Board Department the certificate or license issued by the
22 Board Department, and upon failure or refusal so to do, the
23 Board Department may seize it.

24 The Board Department may exchange information relating to
25 proceedings resulting in disciplinary action against
26 licensees with the regulatory licensing bodies of other
27 states, or with other public authorities or private
28 organizations having regulatory interest in such matter.

29 (Source: P.A. 88-36.)

30 (225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)

31 Sec. 20.6. Notwithstanding the provisions of Section
32 20.2 of this Act, the Board Director shall have the authority
33 to appoint any attorney duly licensed to practice law in the

1 State of Illinois to serve as the hearing officer in any
2 disciplinary action. ~~The Director shall notify the Committee~~
3 ~~of such appointment.~~

4 The hearing officer shall have full authority to conduct
5 the hearing. The hearing officer shall report his findings
6 of fact, conclusions of law and recommendations to the Board
7 ~~Committee--and--the--Director.~~ The Board Committee shall have
8 60 days from receipt of the report to review the report of
9 the hearing officer and ~~present--their--findings--of--fact,~~
10 ~~conclusions--of--law--and--recommendations--to--the--Director.~~ ~~---If~~
11 ~~the--Committee--fails--to--present--its--report--within--the--60--day~~
12 ~~period,~~ the Director shall issue an order based on the report
13 of the hearing officer unless it. ~~---If the Director~~ disagrees
14 in any regard with the report of the ~~Committee or~~ hearing
15 officer, in which case it he may issue an order in
16 contravention thereof, which order may require a new hearing
17 as to some or all of the facts in dispute or may issue
18 findings of fact and conclusions of law contrary to the
19 findings and conclusions of the hearing officer. The
20 ~~Director shall provide a written explanation to the Committee~~
21 ~~of--any--such--deviations--and--shall--specify--with--particularity~~
22 ~~the reasons for said action in the final order.~~

23 (Source: P.A. 83-291.)

24 (225 ILCS 450/21) (from Ch. 111, par. 5527)

25 Sec. 21. Judicial review; cost of record; order as prima
26 facie proof.

27 (a) All final administrative decisions of the Board
28 Department hereunder shall be subject to judicial review
29 pursuant to the provisions of the Administrative Review Law,
30 and all amendments and modifications thereof, and the rules
31 adopted pursuant thereto. The term "administrative decision"
32 is defined as in Section 3-101 of the Code of Civil
33 Procedure.

1 Proceedings for judicial review shall be commenced in the
2 Circuit Court of the county in which the party applying for
3 review resides; provided, that if such party is not a
4 resident of this State, the venue shall be in Sangamon,
5 Champaign, or Cook County.

6 (b) The Board Department shall not be required to
7 certify any record to the court or file any answer in court
8 or otherwise appear in any court in a judicial review
9 proceeding, unless there is filed in the court with the
10 complaint a receipt from the Board Department acknowledging
11 payment of the costs of furnishing and certifying the record,
12 which costs shall be established by the Board Department.
13 Exhibits shall be certified without cost. Failure on the
14 part of the plaintiff to file such receipt in court shall be
15 grounds for dismissal of the action.

16 (c) An order of disciplinary action or a certified copy
17 thereof, over the seal of the Board Department and purporting
18 to be signed by the Chairman or authorized agent of the Board
19 Director, shall be prima facie proof, subject to being
20 rebutted, that:

21 (1) the signature is the genuine signature of the
22 Chairman or authorized agent of the Board Director;

23 (2) the Chairman or authorized agent of the Board
24 Director is duly appointed and qualified; and

25 (3) the Board Committee and the members thereof are
26 qualified to act.

27 (Source: P.A. 91-357, eff. 7-29-99.)

28 (225 ILCS 450/26) (from Ch. 111, par. 5532)

29 Sec. 26. Rules and regulations. The Board and--the
30 Department shall adopt all necessary and reasonable rules and
31 regulations for the effective administration and enforcement
32 of the provisions of this Act; and without limiting the
33 foregoing the Board shall adopt and prescribe rules and

1 regulations for a fair and wholly impartial method of
2 determining the qualifications of applicants for examination
3 and for a fair and wholly impartial method of examination of
4 persons under Section 2 and may establish rules for subjects
5 conditioned and for the transfer of credits from other
6 jurisdictions with respect to subjects passed. All Department
7 university rules in effect on the effective date of this
8 amendatory Act of the 92nd General Assembly 1993 shall
9 continue in effect under the jurisdiction of the Board until
10 changed by the Board.

11 (Source: P.A. 88-36.)

12 (225 ILCS 450/27) (from Ch. 111, par. 5533)

13 Sec. 27. A licensed certified public accountant shall not
14 be required by any court to divulge information or evidence
15 which has been obtained by him in his confidential capacity
16 as a public accountant. This Section shall not apply to any
17 investigation or hearing undertaken pursuant to this Act.

18 (Source: P.A. 83-291.)

19 (225 ILCS 450/28) (from Ch. 111, par. 5534)

20 Sec. 28. Penalties. Each of the following acts
21 perpetrated in the State of Illinois is a Class B
22 misdemeanor.

23 (a) The practice of public accounting insofar as it
24 consists in rendering service as described in Section 8,
25 without licensure, in violation of the provisions of this
26 Act;

27 (b) The obtaining or attempting to obtain licensure as a
28 licensed certified public accountant by fraud;

29 (c) The use of the title "Certified Public Accountant"
30 or the abbreviation "C.P.A." or any similar words or letters
31 indicating the user is a certified public accountant, by any
32 person who has not received a certificate as a certified

1 public accountant from the Board;

2 (d) The use of the title "Certified Public Accountant"
3 or the abbreviation "C.P.A." or any similar words or letters
4 indicating that the members are certified public accountants,
5 by any partnership unless all members thereof personally
6 engaged in the practice of public accounting in this State
7 have received certificates as certified public accountants
8 from the Board, are licensed as licensed certified public
9 accountants by the Board Department, and are holders of an
10 effective unrevoked license, and the partnership is licensed
11 as licensed certified public accountants by the Board
12 Department with an effective unrevoked license;

13 (e) The use of the title "licensed certified public
14 accountant", "licensed CPA", "Public Accountant", or the
15 abbreviation "P.A." or any similar words or letters
16 indicating such person is a licensed certified public
17 accountant, by any person not licensed as a licensed
18 certified public accountant by the Board Department, and
19 holding an effective unrevoked license; provided nothing in
20 this Act shall prohibit the use of the title "Accountant" or
21 "Bookkeeper" by any person;

22 (f) The use of the title "Licensed Certified Public
23 Accountants", "Public Accountants" or the abbreviation
24 "P.A.'s" or any similar words or letters indicating that the
25 members are public accountants by any partnership unless all
26 members thereof personally engaged in the practice of public
27 accounting in this State are licensed as licensed certified
28 public accountants by the Board Department and are holders of
29 effective unrevoked licenses, and the partnership is licensed
30 as a public accounting firm accountants by the Board
31 Department with an effective unrevoked licenses;

32 (g) Making false statements to the Board Department
33 regarding compliance with continuing professional education
34 requirements.

1 (Source: P.A. 88-36.)

2 (225 ILCS 450/30) (from Ch. 111, par. 5535)

3 Sec. 30. The practice of public accounting, as described
4 in Section 8 of this Act, by any person in violation of this
5 Act is hereby declared to be inimical to the public welfare
6 and to be a public nuisance. An action to perpetually enjoin
7 from such unlawful practice any person who has been or is
8 engaged therein may be maintained in the name of the people
9 of the State of Illinois by the Attorney General of the State
10 of Illinois, by the State's Attorney of any county in which
11 the action is brought, by the Board Department or by any
12 resident citizen. The injunction proceeding shall be in
13 addition to and not in lieu of any penalties or other
14 remedies provided by this Act. No injunction shall issue
15 under this section against any person for any act exempted
16 under Section 11 of this Act.

17 If any person shall practice as a licensed certified
18 public accountant or hold himself out as a licensed certified
19 public accountant without being licensed under the provision
20 of this Act then any licensed certified public accountant,
21 any interested party or any person injured thereby may, in
22 addition to the Board Director, petition for relief as
23 provided in subsection (a) of this Section.

24 Whenever in the opinion of the Board Department any
25 person violates any provision of this Act, the Board
26 Department may issue a rule to show cause why an order to
27 cease and desist should not be entered against him. The rule
28 shall clearly set forth the grounds relied upon by the Board
29 Department and shall provide a period of 7 days from the date
30 of the rule to file an answer to the satisfaction of the
31 Board Department. Failure to answer to the satisfaction of
32 the Board Department shall cause an order to cease and desist
33 to be issued forthwith.

1 (Source: P.A. 83-291.)

2 (225 ILCS 450/30.1) (from Ch. 111, par. 5535.1)

3 Sec. 30.1. No person, partnership, ~~or~~ corporation, or
4 other entity licensed or authorized to practice under this
5 Act or any of its employees, partners, members, officers or
6 shareholders shall be liable to persons not in privity of
7 contract with such person, partnership, ~~or~~ corporation, or
8 other entity for civil damages resulting from acts,
9 omissions, decisions or other conduct in connection with
10 professional services performed by such person, partnership,
11 ~~or~~ corporation, or other entity, except for:

12 (1) such acts, omissions, decisions or conduct that
13 constitute fraud or intentional misrepresentations, or

14 (2) such other acts, omissions, decisions or conduct, if
15 such person, partnership or corporation was aware that a
16 primary intent of the client was for the professional
17 services to benefit or influence the particular person
18 bringing the action; provided, however, for the purposes of
19 this subparagraph (2), if such person, partnership, ~~or~~
20 corporation, or other entity (i) identifies in writing to the
21 client those persons who are intended to rely on the
22 services, and (ii) sends a copy of such writing or similar
23 statement to those persons identified in the writing or
24 statement, then such person, partnership, ~~or~~ corporation, or
25 other entity or any of its employees, partners, members,
26 officers or shareholders may be held liable only to such
27 persons intended to so rely, in addition to those persons in
28 privity of contract with such person, partnership, ~~or~~
29 corporation, or other entity.

30 (Source: P.A. 84-1251.)

31 (225 ILCS 450/32) (from Ch. 111, par. 5537)

32 Sec. 32. (a) This subsection (a) applies only until

1 July 1, 2004.

2 All moneys received by the Department of Professional
3 Regulation under this Act shall be deposited into the
4 Registered Certified Public Accountants' Administration and
5 Disciplinary Fund, which is hereby created as a special fund
6 in the State Treasury. The funds in the account shall be
7 used by the Department or the Board, as appropriated,
8 exclusively for expenses of the Department of Professional
9 Regulation, and the Public Accountants' Registration
10 Committee, or the Board in the administration of this Act.

11 Moneys in the Registered Certified Public Accountants'
12 Administration and Disciplinary Fund may be invested and
13 reinvested, with all earnings received from the investments
14 to be deposited into the Registered Certified Public
15 Accountants' Administration and Disciplinary Fund.

16 Moneys from the Fund may also be used for direct and
17 allocable indirect costs related to the public purposes of
18 the Department of Professional Regulation or the Board.
19 Moneys in the Fund may be transferred to the Professions
20 Indirect Cost Fund as authorized by Section 2105-300 of the
21 Department of Professional Regulation Law (20 ILCS
22 2105/2105-300).

23 (b) This subsection (b) applies beginning July 1, 2004.

24 All moneys received by the Board under this Act shall be
25 deposited into the Registered Certified Public Accountants'
26 Administration and Disciplinary Fund, a special fund in the
27 State treasury. The moneys in the Fund shall be used by the
28 Board, as appropriated, exclusively for expenses of the
29 Department of Professional Regulation and the Board in the
30 administration of this Act.

31 Moneys in the Registered Certified Public Accountants'
32 Administration and Disciplinary Fund may be invested and
33 reinvested, with all earnings received from the investments
34 to be deposited into the Registered Certified Public

1 Accountants' Administration and Disciplinary Fund.

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 Section 99. Effective date. This Section, Section 5,
4 and the changes to Section 32 of the Illinois Public
5 Accounting Act take effect upon becoming law; all of the
6 other provisions take effect July 1, 2004.